

phosphorus, and was not a food but was a drug and a medicine. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the label of the packages and in a circular enclosed therein, falsely and fraudulently represented that it was effective as a preventive of diseases resulting from deficiency of calcium, such as dental decay, rickets, pyorrhea, acidosis, migraine headaches, asthma, hay fever, menstrual disorders, eczema, some forms of anemia, nervousness and irritability; effective as a help to the pregnant or nursing mother or convalescent; effective as a preventive of diabetes, kidney disease, arterio sclerosis (hardening of the arteries) and any of the degenerative diseases; effective as a remedy for mineral deficiency diseases, such as tooth decay, acidosis, profound nervous irregularities, menstrual disorders, rickets, anemia, pyorrhea, glandular disorder, abnormal blood pressures, asthma, hay fever, migraine headache, tuberculosis; and effective to supply vital elements necessary to the restoration of health, to overcome autotoxemia, to end results of constipation and acidity from any cause, to relieve cramps, flooding and other menstrual symptoms in women, to reduce acidity in the body, to act as an alkalizer and as a food tonic, to serve as a natural aid in the digestive and eliminative processes; and effective to assure life and health.

On February 4, 1935, a plea of nolo contendere was entered on behalf of the defendant corporation, and a plea of guilty was entered by Bernard Ackerman; whereupon the court imposed a fine of \$3 against the corporation and \$150 against Bernard Ackerman.

M. L. WILSON, *Acting Secretary of Agriculture.*

24057. Misbranding of Mild-O-Line. U. S. v. John F. Class Inc., Granville Class, and Ernest C. Slater. Pleas of guilty. Fines, \$60. (F. & D. no. 32911. Sample no. 39199-A.)

This case was based on an interstate shipment of a drug preparation, the labeling of which contained unwarranted claims regarding its alleged curative, therapeutic, and germicidal properties.

On October 10, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John F. Class, Inc., Granville Class, and Ernest C. Slater, Dayton, Ohio, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about August 5, 1933, from the State of Ohio into the State of Georgia, of a quantity of Mild-O-Line which was misbranded.

Analysis by this Department showed that the article consisted essentially of mineral oil, and small amounts of salicylic acid and volatile oils including eucalyptol and methyl salicylate. Bacteriological examination showed that it had no appreciable germicidal effect.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the labels of the cartons, falsely and fraudulently represented that it was effective to heal the affected areas, and effective as a treatment for each affliction. Misbranding was alleged for the further reason that the statement on the label, "Has a Powerful Germicidal Effect", was false and misleading, since the article did not have a powerful germicidal effect, and had no appreciable germicidal effect.

On November 21, 1934, a plea of guilty was entered by each of the individual defendants, and on behalf of the defendant company, and the court imposed fines totaling \$60.

M. L. WILSON, *Acting Secretary of Agriculture.*

24058. Adulteration of Capsules Mixed Treatment. U. S. v. Atblake Laboratories, Inc. Plea of guilty. Fine, \$25. (F. & D. no. 32912. Sample no. 48509-A.)

This case was based on an interstate shipment of a drug preparation which contained certain therapeutic agents greatly in excess of the amount declared on the label.

On October 30, 1934, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Atblake Laboratories, Inc., Syracuse, N. Y., alleging shipment by said company on or about June 13, 1933, from the State of New York into the State of Pennsylvania of a quantity of Capsules Mixed Treatment which were adulterated in violation of the Food and Drugs Act. The article was labeled in part: "'Atblake' * * * Pharmaceuticals

500 Capsules Mixed Treatment * * * Sol. Arsenous and Mercuric Iodides 2 min. * * * Atblake Laboratories, Inc. Laboratories: Syracuse, N. Y."

The article was alleged to be adulterated in that its strength and purity fell below the professed standard or quality under which it was sold in that each capsule was represented to contain 2 minims of solution of arsenous and mercuric iodides, equivalent to one three-hundredth of a grain of arsenic; whereas each tablet contained more than 2 minims, namely, not less than 8.98 minims of solution arsenous and mercuric iodides, equivalent to not less than one seventh of a grain of arsenic.

On November 7, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25.

M. L. WILSON, Acting Secretary of Agriculture.

24059. Misbranding of Ten-In-One. U. S. v. 238 Small Bottles and 118 Large Bottles of Ten-In-One. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 32979. Sample nos. 72513-A, 72514-A.)

This case involved shipments of a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling.

On June 20, 1934, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 238 small bottles and 118 large bottles of Ten-In-One at Kearney, Nebr., alleging that the article had been shipped in interstate commerce on or about February 24 and March 15, 1934, by the France Drug Co., from Forest City, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of potassium chlorate, phenol, alcohol, and water.

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Bottle label, small size) "For the Treatment and Prevention of Gapes, Colds, Roup and Other Bronchial Diseases of Poultry * * * One bottle to each barrel fed in either morning or afternoon feed will prevent Gaps and keep poultry on good feed. Where Gaps are present use one bottle to each barrel in all feed used until they disappear. In extreme bad cases use 2 bottles to barrel until results are secured, which should be second day,"; (circular) "A Preventive for Bronchial Pneumonia (Commonly Called Gaps)—In Poultry— * * * One bottle mixed in each barrel in either morning or evening feed will prevent Gaps starting in a car and keep birds eating full feed. If Gaps or snotty noses in car, use one bottle in each barrel fed during the day and until the birds all are eating good, which is usually the second day with this treatment. In badly effected cases you can double the dose by using two bottles to each barrel, until condition improves. It is necessary that effected birds get their share of the feed with the remedy. * * * After chicken starts to Gap for breath, they will not eat, * * * pour a little down their throats, then if placed where they can get feed will usually soon eat and can finish their cure in feed. * * * Ten-in-one clears up the throat and lungs, reduces the fever, and birds eat better and have a brighter appearance at unloading dock or after dressed. * * * Start to feed this in your plant when birds are first received and prevent Gaps getting a start. Each dollar spent for Ten-in-one will make you several dollars in saving loss and showing gains"; (bottle, label, large size) "A prevention and treatment of Roup, Gapes, Flu, Colds, Fever, Discharge from Nostrils, Watery Eyes and Bowel Infections * * * Ten-in-one is an aid in keeping poultry healthy. A healthy chick is a profitable fowl. Start your chicks right and keep them healthy"; (leaflet enclosed with large size, headed "Remove this label and paste on jug") "A Treatment and Prevention for Roup, Gapes, Colds, Flu, Fever, Discharge From Nostrils, Watery Eyes, Bowel Infections in Poultry * * * In extreme cases triple the dose * * * Sick Chickens do not eat or drink well. To relieve them make a solution, one-half Ten-in-one and one-half water, pour one-half teaspoonful down throat and wash head of ailing bird, then continue regular treatment."

On November 9, 1934, G. W. Butler, Kearney, Nebr., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, Acting Secretary of Agriculture.